

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/5/15

\_\_\_\_\_  
VARUGHESE,

Plaintiff,

-against-

12 Civ. 8812 (CM)

MOUNT SINAI MEDICAL CENTER, et al.,

Defendants.  
\_\_\_\_\_

ORDER

McMahon, J.:

Although plaintiff was advised, when the court granted her fourth and final extension of time to file papers in opposition to the pending motion for summary judgment, that the December 19, 2014 deadline for filing those papers would not be extended, plaintiff filed no papers on or by December 19, 2014. Instead, on December 15, she filed a fifth request for an extension of time – which was DENIED with the legend “not another second” – and then, on December 19, filed yet another request for an extension (her sixth). By the time this request reached my desk I was gone for the holiday; had I seen it on the day it was filed it, too, would have been DENIED. I did instruct my law clerk to advise plaintiff that I DENIED a seventh request for an extension, filed on December 30, 2014, at which time plaintiff was already eleven days in default.

I now understand that Dr. Varughese purported to submit documents to “comply with [the court’s] order” on December 30, only to encounter “software issues and electronic submission perimeters.” (Docket #201). Unfortunately for Dr. Varughese, on December 30 it was too late to comply with this court’s order; my order required the submission of a response to the motion for summary judgment *by December 19*, and as promised, no extension of that date was granted.

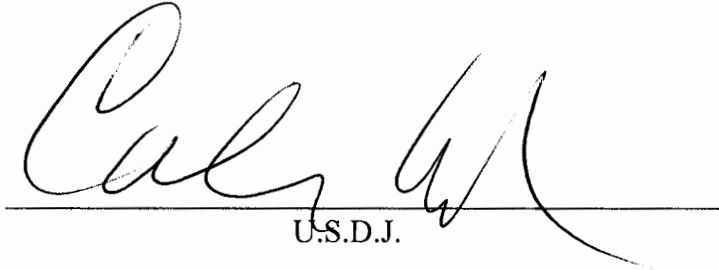
In view of whatever software difficulties plaintiff encountered, on December 31, plaintiff asked for an extension until today, January 5, to file her already overdue papers. Because plaintiff is already in default, the request ought by rights be denied. This court has given Dr. Varughese every consideration, in light of her pro se status. However, there comes a point when even a pro se litigant is required to comply with court orders or face the consequences -- just like

Copies mailed /faxed/handed to counsel on 1/5/15

any represented party. In the last few weeks, Dr. Varughese has repeatedly refused to follow the court's clear instructions about responding to a motion that was filed last spring. The defendants are entitled to a decision on that motion.

Any papers that are *received by the court and by Mt. Sinai's counsel* (assuming they are relevant, as many of Dr. Varughese's submissions are not) by 5 PM today, January 5, 2015, will be considered as I decide the motion. Mt. Sinai has until January 16 to put in whatever reply it deems necessary. No excuses will be accepted, including excuses relating to software issues or "electronic content perimeters." No papers that reach this court and Mt. Sinai's counsel after 5 PM today will be considered; they will be stricken from the record. There should be no need for the court to enter any further order in this regard; Mt. Sinai's counsel should not keep writing for clarification. If the papers show up tomorrow or the next day, they will NOT BE CONSIDERED.

Dated: January 5, 2015



U.S.D.J.

BY ECF TO PLAINTIFF PRO SE AND DEFENSE COUNSEL